



# Appeal Decision

Site visit made on 6 August 2008

by **Alison Lea MA(Cantab) Solicitor**

an Inspector appointed by the Secretary of State  
for Communities and Local Government

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**Decision date:**  
22 August 2008

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## Appeal Ref: APP/Q1445/A/08/2071905

### 29 Nevill Road, Rottingdean BN2 7HH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mrs M Richardson against the decision of Brighton & Hove City Council.
- The application Ref BH2007/03120, dated 20 July 2007, was refused by notice dated 10 October 2007.
- The development proposed is a loft conversion with single rear dormer.

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## Decision

1. I allow the appeal, and grant planning permission for a loft conversion with single rear dormer at 29 Nevill Road, Rottingdean BN2 7HH in accordance with the terms of the application, Ref BH2007/03120, dated 20 July 2007, and the plans submitted with it.

## Main issue

2. The main issue in this case is the effect of the proposal on the character and appearance of the appeal property and the surrounding area.

## Reasons

3. The appeal property is a semi-detached house located on the southern side of Nevill Road. A flat roof dormer window has been constructed on the rear elevation. Essentially the appeal seeks consent for the dormer which has already been constructed, although I note that the Council has commented that the proposal as constructed does not appear to be identical to that shown on the plans. Furthermore, I note that the appellant considers that planning permission is not required for the appeal proposal as she believes that it has been constructed in accordance with permitted development rights. However, this is not a matter for me to comment on as part of this appeal and I have determined it in accordance with the planning application and plans submitted.
  4. The Council has referred to a number of policies, of which I consider Policy QD14 of the Brighton & Hove Local Plan 2005 (LP) to be of particular relevance. This provides that planning permission for extensions or alterations to existing buildings, including the formation of rooms in the roof, will only be granted if the proposed development meets a number of criteria, including that it is well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area. Reference has also been made to SPGBH Note 1 (the SPG) which has been adopted by the Council
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following public consultation and therefore attracts significant weight. This contains more detailed advice on dormer windows.

5. The appeal proposal is for a dormer consisting of a pair of slim line French doors with balustrades and side windows. Although overall it is wider than the window below and has cladding either side of the French doors, both of which are contrary to the guidelines in the SPG, it is well contained within the existing roof profile, and in my view it does not dominate the property or appear out of keeping with it. The rear elevation of No 29 faces the head of a cul-de-sac which forms part of Park Crescent and the dormer window is clearly visible from the cul-de-sac. However, due to its size and position with the roof, the dormer does not appear unduly prominent and in my view does not cause significant harm to the character and appearance of the surrounding area.
6. Reference has been made to a number of other dormer windows within the vicinity of the appeal site. However, I do not have any details of those developments, whether they required planning permission or the basis upon which they may have been permitted. In any event I have determined this appeal on its own merits.
7. I conclude therefore that the appeal proposal does not cause significant harm to the character and appearance of the appeal property or the surrounding area and is not contrary to LP Policy QD14, or to LP Policies QD1 and QD2 both of which relate to design matters. I therefore permit the appeal. The Council has not proposed any conditions and I agree that none are necessary.

*Alison Lea*

INSPECTOR